



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,468	12/14/2001	Michael Sean Bailey	020605-000510US	5262

20350 7590 01/27/2006

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,468

Applicant(s)

BAILEY, MICHAEL SEAN

Examiner

Khanh Dinh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Amendment and Remarks filed on 11/2/2006. Claims 1-19 are presented for examination.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

3. Claims 1, 6 are objected to because of the following informalities:

In claims 1, 6, there is missing of “.” after the phrase “*the method comprising*”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Faris et al. (hereafter Faris), U.S. pat. No.6,659,861.

As to claim 1, Faris discloses a method for providing integrated media presentation, the method comprising:

broadcasting a reality based television program (real time competitions on television) regarding a contest in which an agent (client 970 fig.7) can participate and providing content over a digital network, wherein the content includes information to assist the agent in winning the contest (processing a real time contest including race over a computer network, see abstract, fig.7, 7A, 8, abstract, col.28 lines 32-65, col.43 line 3 to col.44 line 62 and col.45 line 11 to col.46 line 36).

As to claims 2-4, Faris discloses that the contest including determining the identity of a person, contacting a person and capturing a person (providing the identity of the contestant, see figs. 2C, 2D, col.17 line 57 to col.18 line 59 and col.43 line 3 to col.44 line 62).

As to claim 5, Faris discloses a method providing an integrated media presentation, the method comprising:

providing first information about a media event (contest/games online) over a first type of media distribution mechanism (110 fig.7) and providing second information about a media event over a second type of media distribution mechanism (910 fig.7), wherein the second information is associated to the first information and providing for identifying or capturing a runner (client) using at least one of the media distribution mechanisms (processing a contest between multiple contestants during a live broadcast

over Internet, see abstract, fig.2A, 7, 7A, col.16 line 23 to col.17 line 52, col.43 line 3 to col.44 line 62 and col.45 lines 11 to col.46 line 36).

As to claim 6, Faris discloses the first media distribution mechanism includes a television broadcast and wherein the second media distribution mechanism includes the Internet (see col.19 lines 1-62, col.20 lines 11-53 and col.45 lines 11-57).

As to claim 7, Faris discloses a system comprising: a server computer (game server 150 fig.2A) comprising a website (contest web site), wherein the website contains information about a runner in a contest; a digital network (see col.18 lines 19-59 and col.19 lines 22-62); a client computer (160 fig.2A), wherein the client computer communicates with the server computer (150 fig.2A) through the digital network; a television broadcast network and a television receiving display signals through the television broadcast network and adapted to display images of the runner as the runner attempts to evade capture by one or more agents (processing a contest between multiple contestant over Internet and displaying contest live video, contestant images, and live contest queries, results, scores and statistics on a television-based spectator interface, see abstract, fig.2A, 2E, 7, col.43 lines 2-53 and col.45 lines 11-57).

As to claims 8-10, Faris discloses that the digital network is the Internet, maps of the runners path of travel and the website containing hints about the runner's location (see figs.4A, 4B, 7 col.27 line 15 to col.28 line 58, col.29 lines 24-64 and col.45 lines 11-57).

As to claims 11, Faris discloses the website contains a page for allowing online agents to share information about the runner's location and a page for allowing the online agents to enter a location for the runner (see figs.4A, 4B, 7 col.27 line 15 to col.28 line 58 and col.29 lines 24-64 and col.45 lines 11-57).

As to claims 12, Faris discloses a method comprising: providing for a television program that comprises a contest wherein a runner attempts to evade capture by one or more agents (clients/contestants) (processing a contest between multiple contestant over Internet and displaying contest live video, contestant images, and live contest queries, results, scores and statistics on a television-based spectator interface, see abstract, fig.2A, 2E, 7, col.43 lines 2-53) and providing for a website that contains information about the runner (see figs.4A, 4B, col.27 line 15 to col.28 line 58, col.29 lines 24-64 and col.45 lines to col.46 line 36).

As to claims 13, Faris discloses that the agents are offline agents, and wherein the method further comprises: providing, through the website, for the ability of an online agent to attempt to capture the runner by entering a location for the runner (see fig.4F, col.36 line 37 to col.37 line 47 and col.38 lines 38-62 and col.45 lines 11-57).

As to claims 14, Faris discloses the runner wins a larger prize if the runner evades capture for a longer period of time (see fig.4F, col.36 line 37 to col.37 line 47 and col.38

lines 38-62).

As to claims 15, Faris discloses the runner wins a prize if the runner completes a predetermined number of tasks within a predetermined time (see fig.4F, col.36 line 37 to col.37 line 47 and col.38 lines 38-62 and col.47 line 20 to col.48 line 40).

As to claims 16, Faris discloses, in the contest, the runner wins a prize if the runner completes a predetermined number of tasks within a predetermined time, and wherein the one or more agents win a reward if the one or more agents capture the runner before the runner completes the predetermined number of tasks (see col.38 lines 38-62 and col.41 line 26 to col.42 line 52 and col.45 lines 11-57).

As to claims 17, Faris discloses that the information about the runner comprises clues regarding the runner's current location (see fig.4F, col.36 line 37 to col.37 line 47 and col.38 lines 38-62 and col.45 lines 11-57).

As to claims 18, Faris discloses, in the contest, the runner completes a predetermined number of tasks within a predetermined period of time, wherein each task is to be performed at a different geographic location, and wherein the information about the runner on the website includes information about the tasks completed by the runner (see col.38 lines 38-62 and col.41 line 26 to col.42 line 52 and col.45 lines 11-57).

As to claims 19, Faris discloses providing clues about the runner's location or identify to the at least one agent if the at least one agent solves a puzzle (see col.2 lines 13-45 and col.41 line 26 to col.42 line 52 and col.45 lines 11-57).

Response to Arguments

6. Applicant's arguments filed on 11/2/2005 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose broadcasting a reality based television program regarding a contest in which an agent can participate and providing content over a digital network.

Examiner respectfully disagrees. Faris discloses the Applicant claimed invention by broadcasting a reality based television program (real time competitions on television) regarding a contest in which an agent (client 970 fig.7) can participate and providing content over a digital network (implanting a contest-promoting system of the present invention depicted in FIGS. 2 through 4G and 6 through 6C, also comprises a number of system components which are configured so that live video, taped video program content, and real-time information and results can be combined and distributed "on the fly" to spectators viewing one or more contests on standard television sets throughout the world, see fig.2's 7, col.43 line 3 to col.44 line 62 and col.45 lines 11-57) as rejected above.

- Applicant asserts that the cited reference does not disclose providing first information about a media event over a first type of media distribution mechanism and providing second information about a media event over a second type of media distribution mechanism, wherein the second information is associated to the first information and providing for identifying or capturing a runner using at least one of the media distribution mechanisms.

Examiner respectfully point out that Faris discloses providing first information about a media event (contest/games online) over a first type of media distribution mechanism (110 fig.7) and providing second information about a media event over a second type of media distribution mechanism (910 fig.7), wherein the second information is associated to the first information and providing for identifying or capturing a runner (client) using at least one of the media distribution mechanisms (processing a contest between multiple contestants during a live broadcast over Internet, see abstract, fig.2A, 7, 7A, col.16 line 23 to col.17 line 52, col.43 line 3 to col.44 line 62 and col.45 lines 11-57).

- Applicant asserts that the cited reference does not disclose a television broadcast network and a television receiving display signals through the television broadcast network and adapted to display images of the runner as the runner attempts to evade capture by one or more agents.

Examiner respectfully point out that the Faris reference discloses the Applicant claimed invention. For example, Faris discloses a television broadcast network and a television receiving display signals through the television broadcast network and adapted to display images of the runner as the runner attempts to evade capture by one or more agents (processing a contest between multiple contestants over Internet and displaying contest live video, contestant images, and live contest queries, results, scores and statistics on a television-based spectator interface; Moreover, Faris also discloses time and space stamping capabilities to control users/contestants such as optical sensor for race finish lines, see abstract, fig.2A, 2E, 7, col.43 lines 2-53 and col.45 lines 11 to col.46 line 36).

As a result, cited prior art does disclose a system and method for providing an integrated media presentation, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

Conclusion

7. Claims 1-19 are rejected.
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2151

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Primary Examiner
Art Unit 2151
1/21/2006